

#### REMARKS

The Examiner has rejected claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0138781 to Okuda et al. in view of U.S. Patent Application Publication No. 2002/0057287 to Crow et al.

The Okuda et al. publication discloses a file management method, program therefor, recording medium containing the program, and file management apparatus for performing the method, in which depending on the format of an optical disc (CD, CD-R, CD-RW), the Okuda et al. method/apparatus presumes a certain predetermined file format and then only looks for that file format on the optical disc.

The Crow et al. publication discloses a user interface for presenting media information, in which "a graphical representation of a time line for a time-based media is displayed along with a graphical representation of a current time along the graphical representation of the time line. A start graphical indicator and a stop graphical indicator is also displayed along the graphical representation of the time line. A portion of the time-based media may be selected for presentation by dragging or positioning at least one of the start graphical indicator and the stop graphical indicator along the graphical representation of the time line." (see Abstract).

In the current Office Action, the Examiner has stated "Okuda does not explicitly disclose means for retrieving stored capabilities of said reading apparatus, said CAP signifying which

coding formats and/or content types said reading apparatus supports to play such data files. Crow from the same field of endeavor discloses means for retrieving stored capabilities of said reading apparatus, said CAP signifying which coding formats and/or content types said reading apparatus supports to play such data files (paragraph, [0003] - [0006])."

Applicants submit that the Examiner is mistaken. In particular, that portion of Crow et al. merely describes, in general, the QuickTime media layer, and indicates the existence of user interfaces, for controlling the presentation of time-based media, for RealPlayers, QuickTime MoviePlayers and Windows Media Players, stating that these user interfaces have menus for displaying controls or to display a list of "favorites" or "channels". There is no disclosure or suggestion of the existence of such a CAP file.

The subject invention, as claimed in independent claims 1, 7 and 15, includes a capabilities (CAP) file stored in the apparatus, this file being retrieved to determine all of the file types playable by the apparatus, the comparing of the file types on an information carrier with those denoted in CAP, and the generation of a playlist of only those data files playable on the apparatus.

Applicants submit that the combination of Okuda et al. and Crow et al. neither discloses nor suggests such a CAP file and the retrieval of the CAP file to determine the capabilities of the apparatus.

Claims 5 and 12 include the limitation "downloading means for downloading a plug-in allowing the reading apparatus to play data files contained on said information carrier and considered non-playable according to the CAP of said reading apparatus".

The Examiner has indicated that this is disclosed in Crow et al. and indicates paragraphs [0003] and [0044] therein.

Applicants submit that the Examiner is mistaken. In particular, paragraph [0003] of Crow et al. merely describes, in general, the QuickTime media layer and file structure, while paragraph [0044] merely describes that access to the Internet is provided by Internet service providers, that time-based media data may be stored at a remote location, such as a web server, and that the (time-based media) data may be downloaded and played back using a playback system (e.g., a QuickTime Player). However, there is no disclosure or suggestion of "downloading means for downloading a plug-in allowing the reading apparatus to play data files contained on said information carrier and considered non-playable according to the CAP of said reading apparatus".

Claim 13 includes the limitation "means for updating said CAP according to the content type and/or coding format playable by said plug-in".

The Examiner has indicated that this is disclosed in Okuda et al. and cites paragraph [0015] therein.

Again, Applicants believe that the Examiner is mistaken. In particular, paragraph [0015] of Okuda et al. is referring to downloading a desired file to a recording medium, and the

subsequent playing back of that desired file. However, Applicants submit that there is no disclosure or suggestion in Okuda et al. of being able to download a "plug-in" for expanding the playing capabilities of the apparatus, and for updating the capabilities (CAP) file based on the downloaded "plug-in".

In view of the above, Applicants believe that the subject invention, as claimed, is not rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-18, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
Edward W. Goodman, Reg. 28,613  
Attorney  
Tel.: 914-333-9611